

**Advisory Committee**  
**November 17, 2015**  
**Faculty Dining Room, Wellesley Middle School**  
**Special Town Meeting, WMS Auditorium**

Tom Frisardi called the meeting of the Wellesley Advisory Committee to order at 6:05pm. Those present included Mary Crown, Tom Fitzgibbons, Chad Harris, John Hartnett, Mike Hluchyj, Mark Kaplan, Michael Mastrianni, Alena Poirier, Sara Raveret, Mason Smith, and Scott Tarbox. Kathleen Woodward arrived at 6:15pm.

Citizen's Speak

No one wished to speak at this time.

Discussion concerning motions under Articles 3 through 6 of the warrant for Special Town Meeting and proposed amendments thereto

Ray Miyares and Eric Reustle, from the Town Counsel's office, were in attendance.

**David Wright's Amendment to Warrant Article 3A**

The committee discussed the proposal by David Wright to add "review of applications and interviews of candidates by a screening committee that includes at least one member of such board or committee; recommendations to the town manager by the screening committee regarding such candidates" to Section 3(B)(2) of Warrant Article 3A and Section 20.3.b(ii) of Warrant Article 3C. Every Advisory member agreed that the involvement of the boards in the interviewing/hiring process of the department heads or chief staff employees is already established and that this amendment is unnecessary.

*Sara Raveret recommended favorable action on the amendment proposed by David Wright to Warrant Article 3A, Section 3(B)(2), and Warrant Article 3C, Section 20.3.b(ii). Mary Crown seconded the motion; the motion was defeated by a show of hands, 0-11. The Advisory Committee will recommend unfavorable action on this amendment.*

**Laura Fragasso's Amendment to Warrant Article 3A**

Ray Miyares explained that this amendment would keep authority over the town's directors with the boards, while the Town Manager would have supervisory authority over the town's operations. However, the boards could choose to transfer their authority over their director to the Town Manager. Several Advisory members discussed potential confusion over the boards' ability to transfer their authority to the Town Manager. Would a decision be made each year when new board members are elected? Most agreed it would very hard for a Town Manager to keep track of which boards had delegated authority and when. What if a Town Manager made a decision the board didn't like—could the board vote again and take the authority over the director back from the Town Manager? A minority of members thought this amendment presented a compromise between balancing authority between the boards and the Town Manager.

*Sara Raveret recommended favorable action on the amendment proposed by Laura Fragasso to Warrant Article 3A, Sections 3(B)(2) and 3(B)(3). Chad Harris seconded the motion; the motion was defeated by a show of hands, 2-10. The Advisory Committee will recommend unfavorable action on this amendment.*

**Andy Wrobel's Amendment to Warrant Article 3A**

Andy Wrobel's new amendment to Section 3(B)(3) in Warrant Article 3A and Section 20.3.c of Warrant Article 3C is the following: "The town manager shall, **with the concurrence of any affected board or**

**committee**, manage and supervise all town departments except for the school department and the municipal light department.” The majority of the Advisory members agreed that having a Town Manager and the boards manage and supervise all town departments “in concurrence with” each other is an impractical situation. (Andy Wrobel’s previous amendment was for the town manager and boards to “jointly” manage and supervise all town departments.)

*Sara Raveret made a motion to rescind the Advisory Committee’s previous vote on Andy Wrobel’s amendment on November 3<sup>rd</sup>. John Hartnett seconded the motion; the motion carried by a show of hands, 12-0.*

*Sara Raveret recommended favorable action on the amendment proposed by Andy Wrobel to Warrant Article 3A, Section 3(B)(3), and Warrant Article 3C, Section 20.3.c. Mason Smith seconded the motion; the motion was defeated by a show of hands, 1-11. The Advisory Committee will recommend unfavorable action on this amendment.*

#### **Marla Robinson’s Amendment to Warrant Article 3A, Section 4**

The Advisory Committee discussed Marla Robinson’s amendment to move the removal procedures for the Town Manager from the Special Act in Warrant Article 3A to the General Bylaws. The committee asked Ray Miyares for clarification on whether the removal procedures are required to be in the Special Act. Ray explained that “legally,” the removal procedures do not need to be in the Special Act; however, if the removal procedures are not in the Special Act, then the Legislature can make changes and/or add to the Special Act if they decide the removal procedures should be in the Special Act. Ray pointed out that the Legislature would have to return the Special Act with revisions to the Board of Selectmen for approval. Some members questioned the timing of getting the Special Act approved by the Legislature in time for a town-wide vote in March if the Legislature and the Board of Selectmen were having to send versions of the Special Act back and forth for approval.

Several Advisory members agree that moving the removal procedures from the Special Act to the bylaws gives the town more flexibility. Ray confirmed that the removal procedures for a Town Manager are included in the Town Manager’s contract, so it would not be possible for changes to the bylaws to affect a Town Manager in the middle of a contract. One Advisory member questioned the language in the amendment: “The town may, by bylaw, adopt provisions for the removal of the town manager.” This member thought the language should be more specific and say that the town manager can be removed pursuant to the removal procedures in the bylaws. Another member also thought that the wording of the motion was unclear and felt that the committee did not have adequate time to review and propose clarifying language; this member decided to abstain from the vote.

*Sara Raveret recommended favorable action on the amendment proposed by Marla Robinson to Warrant Article 3A, Section 4. Mason Smith seconded the motion; the motion was defeated by a show of hands, 4-7, with 1 abstention. The Advisory Committee will recommend unfavorable action.*

#### New business/old business

None was presented at this time.

The next Advisory Committee meeting will be on December 1<sup>st</sup> at 6:00pm in the Faculty Dining Room of the Wellesley Middle School.

#### Adjourn

Tom Frisardi adjourned the meeting at 6:55pm, recognizing that votes by the committee might need to be taken during the Special Town Meeting later in the evening.

### Special Town Meeting—Wellesley Middle School Auditorium

Tom Frisardi requested that the Advisory Committee vote on two amendments during the break of the Special Town Meeting.

The first vote was on Marla Robinson's amendment to Warrant Article 3A, Section 4(A). The amendment adds the language: "... the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal; **provided, however, that any violation of a criminal statute shall be deemed to be a reason for removal.**" One member abstained from the vote, wanting a more thorough review of the amendment and advice from Town Counsel.

*At 9:15pm, Sara Raveret made a motion to recommend favorable action on the amendment proposed by Marla Robinson to Warrant Article 3A, Section 4(A). Mason Smith seconded the motion; the motion was defeated by a show of hands, 0-11, with 1 abstention. The Advisory Committee will recommend unfavorable action on this amendment.*

The second vote was on Marla Robinson's amendment to Warrant Article 3A, Section 2(A). The amendment adds the language: "No person holding elective public office in the town with the exception of a town meeting member, **or any person serving as a member of an appointed town board or committee, or any consultant paid by the town** shall, within twelve months of holding the office **or being employed by the town as a consultant**, be eligible for appointment as town manager." One member abstained from the vote, wanting a more thorough review of the amendment and advice from Town Counsel on how this is handled in other towns.

*At 9:20pm, Sara Raveret recommended favorable action on the amendment proposed by Marla Robinson to Warrant Article 3A, Section 2(A). Mason Smith seconded the motion; the motion was defeated by a show of hands, 4-8, with 1 abstention. The Advisory Committee will recommend unfavorable action on this amendment.*